

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ALEXANDRA TORIBIO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

THE KRAFT HEINZ COMPANY,

Defendant.

Case No. 1:22-CV-06639

The Honorable Virginia M. Kendall

JOINT MOTION FOR LEAVE TO FILE EXCESS PAGES

Pursuant to Local Rule 7.1, Plaintiff Alexandra Toribio and Defendant The Kraft Heinz Company (collectively, the “Parties”), by and through their undersigned attorneys, respectfully move the Court for leave for Defendant to file its Memorandum of Law in Support of its Motion to Dismiss Plaintiff’s Complaint (“Memorandum in Support”) in excess of 15 pages, not to exceed 25 pages, for Plaintiff to file her response brief in excess of 15 pages, not to exceed 25 pages, and for Defendant to file a reply brief not to exceed 15 pages. Defendant’s deadline to answer or otherwise plead is February 6, 2023, and thus the Parties respectfully request a ruling on this matter as soon as possible.

In support of this motion, the Parties state as follows:

1. On November 29, 2022, Plaintiff filed her Class Action Complaint. (Dkt 1.) Defendant’s deadline to answer or otherwise plead is February 6, 2023.

2. Despite Defendant’s best efforts to prepare an efficient Memorandum in Support, Defendant Requires 10 additional pages to adequately present its position to the Court. The

Memorandum in Support requires these additional pages because it combines several arguments, each of which would support standalone motions under Federal Rules of Civil Procedure 9(b), 12(b)(1), and 12(b)(6). As a result, Plaintiff will require 10 additional pages to adequately respond to Defendant's arguments.

3. In light of this and following conferral between the Parties, the Parties agreed to jointly move the Court to grant Defendant leave to file a Memorandum in Support in excess of 15 pages, not to exceed 25 pages, and to grant Plaintiff leave to file a response brief in excess of 15 pages, not to exceed 25 pages. The Parties also agreed to jointly move the Court to grant Defendant leave to file a reply brief not to exceed 15 pages.

4. The Parties exchanged email correspondence about these issues on January 31, 2023.

WHEREFORE, the Parties respectfully request that the Court grant Defendant leave to file a Memorandum in Support not to exceed 25 pages, Plaintiff leave to file a response brief not to exceed 25 pages, and Defendant leave to file a reply brief not to exceed 15 pages.

Dated: January 31, 2023

Jointly Submitted,

By: /s/ Dean N. Panos
Dean N. Panos
JENNER & BLOCK LLP
353 N. Clark Street,
Chicago, IL 60654-3456
Tel: 312-222-9350
dpanos@jenner.com

Kate T. Spelman*
JENNER & BLOCK LLP
515 S. Flower Street, Ste 3300,
Los Angeles, CA 90071
Tel: 213-239-5100
kspelman@jenner.com

*Counsel for Defendant The Kraft Heinz
Company*

By: /s/ Gary Klinger
Gary Klinger
MILBER COLEMAN BRYSON PHILLIPS
GROSSMAN, PLLC
221 West Monroe Street, Suite 2100,
Chicago, IL 60606
Tel: 8663-0878-5100
gklinger@milberg.com

Nick Suciu III
MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC
6905 Telegraph Road, Suite 115
Bloomfield Hills, MI 48301
Tel: 313-303-3472
nsuciu@milberg.com

Erin Ruben*
MILBERG COLEMAN BRYSON PHILLIPS
GROSSMAN PLLC
900 W. Morgan Street
Raleigh, NC 27603
Tel: 919-600-5000
eruben@milberg.com

J. Hunter Bryson*
MILBERG COLEMAN BRYSON PHILLIPS
GROSSMAN, PLLC
405 E 50th Street
New York, NY 10022
Tel: 630-796-0903
hbryson@milberg.com

Jason P. Sultzer, Esq.*
Daniel Markowitz, Esq.*
THE SULTZER LAW GROUP P.C.

85 Civic Center Plaza, Suite 200
Poughkeepsie, NY 12601
Tel: 845-483-7100
Fax: 888-749-7747
sultzerj@thesultzerlawgroup.com
markowitzd@thesultzerlawgroup.com

Counsel for Plaintiff Alexandra Toribio

* Pro Hac Vice application forthcoming or
pending

CERTIFICATE OF SERVICE

I, Dean N. Panos, certify that on January 31, 2023, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

/s/ Dean N. Panos
Dean N. Panos